

# Notice of Allowability

Application No.

09/923,263

Examiner

Richard Chang

Applicant(s)

DICK ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 05/22/2006.
2. ☒ The allowed claim(s) is/are 1-30 and 35-38, renumbered as 1-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicants' amendments and arguments, see amendment, filed on 05/22/2006, with respect to claims 1-30 and 35-38 have been fully considered and are persuasive. The 35U.S.C.103 rejections have been withdrawn. None of the previously cited reference teaches the claims 1-30 and 35-38.

Claims 31-34 had been canceled.

### *Examiner's Amendment*

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment is to be given in a telephone interview with C. F. Koenig III on 6/21/2006. The application has been amended for claims 1, 5, 12, 21 and 26 as follows:

In claim 1, the sentence "A user equipment (UE) capable of ..." is changed to "A user equipment (UE) for ..." in line 1; and

the sentence "means to identify a received midamble code having a highest power level including:" is changed to "means for identifying a received midamble code having a highest power level, said identifying means including:" in lines 10-11.

In claim 5, the sentence "A user equipment (UE) capable of ..." is changed to "A user equipment (UE) for ..." in line 8; and

the sentence "means to identify a received midamble code having a highest power level including:" is changed to "means for identifying a received midamble code having a highest power level, said identifying means including:" in lines 11-12.

In claim 12, the sentence "a user equipment (UE) capable of ..." is changed to "a user equipment (UE) for ..." in line 1; and

the sentence "means to identify a received midamble code ... exceeds said common fixed ratio including:" is changed to "means for identifying a received midamble ... exceeds said common fixed ratio, said identifying means including:" in lines 9-11.

In claim 21, the sentence "... midamble code exceeds said common fixed ratio including:" is changed to "... midamble code exceeds said common fixed ratio, said identifying means including:" in line 13.

In claim 26, the sentence "... midamble code exceeds said common fixed ratio including:" is changed to "... midamble code exceeds said common fixed ratio, said identifying means including:" in line 12.

***Allowable subject matter***

3. Claims 1-30 and 35-38 are allowed.

***Examiner's Statement of Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

Art Unit: 2616

The prior art along or in combination fails to teach or make obvious the following limitations:

"means for identifying a received midamble code having a highest power level, said identifying means including a signal power measuring device for measuring the power level of received PSCS and identifying a frame timing of received PSCS which exceed a power threshold; and a processor configured to analyze data signals received in the primary synchronization channel associated with the PSC having the highest power level of said received PSCS which exceeded said power threshold; and said processor further configured to synchronize with the base station associated with the received midamble code identified as having the highest power level" as recited in the independent claim 1, 5, 9 and

"means for identifying received midamble codes that have a power level such that the ratio of a power threshold and the received power level of the midamble code exceeds said common fixed ratio" as recited in the independent claims 12, 17, 21, 26 and 35.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2616

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RW  
rkc

Richard Chang  
Patent Examiner  
Art Unit 2616

  
RICKY Q. NGO  
SUPERVISORY PATENT EXAMINER